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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY.

USA CAPITAL REALTY ADVISORS, LLC.

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC.

**USA CAPITAL FIRST TRUST DEED
FUND, LLC.**

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
UNITED TITLE OF NEVADA TO
PRODUCE DOCUMENTS AND ONE
OR MORE REPRESENTATIVES
FOR EXAMINATION PURSUANT
TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating

Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring United Title of Nevada (“United Title”) to produce documents and one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016,

1 to appear for examination at the office of Lewis and Roca LLP, 3993 Howard Hughes
2 Parkway, Suite 600, Las Vegas, Nevada 89160, on a business day no earlier than ten (10)
3 business days after the filing of this Motion and no later than July 15, 2007, or at such
4 other mutually agreeable location, date, and time, and continuing from day to day
5 thereafter until completed.

6
7 This Motion is further explained in the following Memorandum.
8

9
10 **Memorandum**

11 The Trust seeks information concerning various transactions between United Title
12 and USACM, the other debtors in the above-captioned cases (together with USACM, the
13 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.
14 United Title is one of several title companies that participated in the documents of loan
15 transactions between the Debtors and their borrowers. The Trust seeks this information
16 from the title companies to assist in the collection of the assets and the investigation of the
17 liabilities of the Debtors.

18 In particular, the Trust will seek the following categories of documents from United
19 Title and other title companies:

20

- 21 • Closing statements from transactions in which Debtors participated;
- 22 • Purchase contracts, amendments, and assignments from these transactions;
- 23 • Deeds of trust from these transactions;
- 24 • Documents identifying other escrows relating to the properties at issue;
- Title policies issued in connection with the closing of the transactions in
which Debtors participated.

25 The requested discovery from United Title is within the scope of examination
26 permitted under Bankruptcy Rule 2004, which includes:

1 [t]he acts, conduct, or property or . . . the liabilities and financial condition
2 of the debtor, or . . . any matter which may affect the administration of the
3 debtor's estate, or to the debtor's right to a discharge. In a . . .
4 reorganization case under chapter 11 of the Code, . . . the examination may
5 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

6 **Conclusion**
7

8 Accordingly, the Movant requests that this Court enter the form of order submitted
9 with this Motion.

10 Dated: May 25, 2007.
11

12 **DIAMOND MCCARTHY LLP**

13 **LEWIS AND ROCA LLP**

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¹ FED.R. BANKR. P. 2004(b).